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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/670,464	09/26/2000	Takeshi Suzuki	P/3541-8	3607

7590

03/16/2004

Ostrolenk Faber Gerb & Soffen LLP  
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New York, NY 10036-8403

EXAMINER
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VILLECCO, JOHN M

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 03/16/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/670,464

Applicant(s)

SUZUKI, TAKESHI

Examiner

John M. Villecco

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-8 and 10-14 is/are rejected.
- 7) ☒ Claim(s) 3, 4, 8 and 9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2 and 4.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to because in Figure 6A, reference number S35 includes the words "AME KEY PUSHED MORE THAN ONCE?". This appears to be a typographical error and that the applicant meant to use the phrase – SAME KEY PUSHED MORE THAN ONCE? –. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

2. Claims 3 and 8 are objected to because of the following informalities:
- In lines 5-6 of claim 3, applicant recites the term "orientation unit". There is a lack of antecedent basis the claims since there is no previous mention of the orientation unit. It appears that applicant meant to use the phrase – operation unit –.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted

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on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. ~~Claim 1~~ <sup>and 5 are</sup> rejected under 35 U.S.C. 102(e) as being anticipated by Silverbrook (U.S. Patent No. 6,597,817).

5. Regarding *claim 1*, Silverbrook discloses a digital camera, which includes a printer that is capable of printing image data along with text. The camera is utilized to overlay image data with information such as a date and location (col. 3, lines 8-10) and therefore would inherently include a means for synthesizing the image data with the additional information. Furthermore, Silverbrook discloses a printer for printing the image data. As disclosed in column 3, lines 17-25, Silverbrook discloses that based upon a detected orientation the additional information which is overlaid upon the image is positioned in a good position. See Figure 1. In this case the predetermined operation causing rotation of the additional information would be taking an image in a portrait or landscape mode.

6. As for *claim 5*, Silverbrook discloses overlaying data such as a date and location. This constitutes

### *Claim Rejections - 35 USC § 103*

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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8. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Silverbrook (U.S. Patent No. 6,597,817) in view of Anderson (U.S. Patent No. 6,275,260).

9. Regarding *claim 2*, as mentioned above in the discussion of claim 1 Silverbrook discloses all of the limitations of the parent claim. Additionally, Silverbrook discloses that the orientation of the attendant information is predetermined in accordance with a position on the image data, since the orientation is always based upon the orientation of the image itself. In other words the orientation is known for every position in the image since the orientation of the text changes with the orientation of the image. However Silverbrook fails to disclose that the changing means changes the position and the orientation of the attendant information in accordance with a user's operation of designating the position of the attendant information. Anderson, on the other hand, discloses that it is well known in the art to allow a user to designate a position for a stamp within an image. As shown in Figures 9A and 9B, Anderson teaches that a user can designate any of a plurality of positions within an image in which to place a stamp. As disclosed in column 8, lines 27-40, the positioning of the stamp is performed correctly for a plurality of image orientations. No matter what the orientation of the image is, the user can select a position of the stamp and the orientation of the stamp will be translated correctly. Therefore, the changing means changes the position and the orientation of the stamp in accordance with the user's operation of the designating a position of the stamp. It would have been obvious for one of ordinary skill in the art at the time the invention was made to change the orientation and position of the data according to the user

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designating a position of the attendant information so that the positioning of the attendant information is done so that it is viewable to a user with little effort.

10. As for *claim 3*, as mentioned above in the discussion of claim 1 Silverbrook discloses all of the limitations of the parent claim. However, Silverbrook fails to disclose that the operation unit includes four operation sections or that the changing means sets the position of the attendant information on one of upper, lower, left and right edges of the image data and changes the orientation of the attendant information in accordance with the set position. Anderson, on the other hand teaches the use of a four-way controller (409) for positioning the stamp along one of an upper, lower, left, and right edge of the image data. Additionally, as disclosed in column 8, lines 27-40, the positioning of the stamp is performed correctly for a plurality of image orientations. Therefore, no matter what the orientation of the image is, the user can select a position of the stamp and the orientation of the stamp will be translated correctly. The orientation is changed by the changing means in accordance with the set position since the orientation is automatically changed based on the orientation of the image. For every set position the orientation is changed. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to position the attendant information in a desired position while also changing the orientation so that the location of the attendant information is performed so that the user can easily view it.

11. **Claims 6-8 and 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (U.S. Patent No. 6,275,260) in view of Silverbrook (U.S. Patent No. 6,597,817).**

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12. Regarding *claim 6*, Anderson discloses a lens (220) for forming an image, an image sensor (224) for converting the image into electrical data, a means for generating attendant information (as shown in figures 10A and 10B), and CPU (344) for synthesizing the image data and additional information to produce printable data. As disclosed in column 8, lines 26-40, Anderson teaches that the stamps (attendant information) can be positioned corrected independently of whether the image is a landscape or portrait image. Therefore, the orientation of the stamp can be changed and positioned based on the type of image. In this case the predetermined operation causing rotation of the additional information would be taking an image in a portrait or landscape mode.

Anderson, however, fails to specifically disclose a means for printing the image based on the print data. Silverbrook, on the other hand, discloses that it is well known in the art to print an image with rotated attendant information. By including a printer in a camera a hardcopy of an image can be generated immediately. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a printer in the camera of Anderson so that a hardcopy could be generated immediately.

13. As for *claim 7*, Anderson discloses that it is well known in the art to allow a user to designate a position for a stamp within an image. As shown in Figures 9A and 9B, Anderson teaches that a user can designate any of a plurality of positions within an image in which to place a stamp. As disclosed in column 8, lines 27-40, the positioning of the stamp is performed correctly for a plurality of image orientations. No matter what the orientation of the image is, the user can select a position of the stamp and the orientation

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of the stamp will be translated correctly. Therefore, the changing means changes the position and the orientation of the stamp in accordance with the user's operation of the designating a position of the stamp. The orientation of the attendant information is predetermined in accordance with a position on the image data, since the orientation is always based upon the orientation of the image itself. In other words the orientation is known for every position in the image since the orientation of the text changes with the orientation of the image.

14. With regard to *claim 8*, Anderson teaches the use of a four-way controller (409) for positioning the stamp along one of an upper, lower, left, and right edge of the image data. Additionally, as disclosed in column 8, lines 27-40, the positioning of the stamp is performed correctly for a plurality of image orientations. Therefore, no matter what the orientation of the image is, the user can select a position of the stamp and the orientation of the stamp will be translated correctly. The orientation is changed by the changing means in accordance with the set position since the orientation is automatically changed based on the orientation of the image. For every set position the orientation is changed.

15. Regarding *claim 10*, Anderson discloses placing character data into the image. See Figures 10A and 10B.

16. With regard to *claim 11*, as discloses in column 10, lines 15-30, Anderson discloses the ability to display an image when positioning a stamp. This would inherently be performed using the display (402). Additionally, Anderson discloses a manual operation member (409) operated in accordance with an orientation of a displayed image, and a CPU (344) for controlling a position and orientation in which a date or such is synthesized in an image.



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Anderson, however, fails to specifically disclose printing the synthesized image data with the attendant information. Silverbrook, on the other hand, discloses that it is well known in the art to print attendant information which has been combined with image data. See column 4. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to print the synthesized image data in Anderson so that a hardcopy of the data can be produced.

17. As for *claim 12*, Anderson discloses that the camera can choose from a plurality of orientation and positions. See Figures 9A and 9B and column 8, lines 26-40.

18. Regarding *claim 13*, Anderson discloses a camera, which includes an image sensor (224) for converting image data into electrical signals. As discloses in column 10, lines 15-30, Anderson discloses the ability to display an image when positioning a stamp. This would inherently be performed using the display (402). Additionally, Anderson discloses a manual operation member (409) operated in accordance with an orientation of a displayed image, and a CPU (344) for controlling a position and orientation in which a date or such is synthesized in an image.

Anderson, however, fails to specifically disclose printing the synthesized image data with the attendant information. Silverbrook, on the other hand, discloses that it is well known in the art to print attendant information which has been combined with image data. See column 4. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to print the synthesized image data in Anderson so that a hardcopy of the data can be produced.

19. As for *claim 14*, Anderson discloses that the camera can choose from a plurality of orientation and positions. See Figures 9A and 9B and column 8, lines 26-40.

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*Allowable Subject Matter*

20. Claim 4 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

21. The following is a statement of reasons for the indication of allowable subject matter:

Regarding *claims 4 and 9*, the primary reason for indication of allowable subject matter is that the prior art fails to teach or reasonably suggest shifting the position of the attendant information along the one of the upper, lower, left, and right edges in accordance with the user's operation of that one of the four operation sections, which corresponds to the one of the upper, lower, left and right edges.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
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or faxed to:

(703) 872-9306 (For either formal or informal communications intended for entry. For informal or draft communications, please label "**PROPOSED**" or "**DRAFT**")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington VA, Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Villecco whose telephone number is (703) 305-

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1460. The examiner can normally be reached on Monday through Thursday from 7:00 am to 5:30 pm EST.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber, can be reached on (703) 305-4929. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service desk whose telephone number is (703) 306-0377.



JMV

2/24/04



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